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ARIZONA STATE  
BOARD OF PHARMACY

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7

8 **BEFORE THE ARIZONA STATE BOARD OF PHARMACY**

9 In the Matter of

10 **ANGELICA CORTES**

07-0029-PHR

11 Holder of License No. 8246  
12 For Practice as a Pharmacy Technician  
In the State of Arizona  
13

**CONSENT AGREEMENT  
FOR PROBATION**

14 **RECITALS**

15 In the interest of a prompt and judicious settlement of this case, consistent with the  
16 public interest, statutory requirements and the responsibilities of the Arizona State Board  
17 of Pharmacy ("Board") and under A.R.S. §§ 32 1901, *et. seq.* and 41 1092.07(F)(5),  
18 Angelica Cortes ("Respondent"), holder of Pharmacy Technician License Number 8246  
19 in the State of Arizona, and the Board enter into the following Recitals, Findings of Fact,  
20 Conclusions of Law and Order ("Consent Agreement") as a final disposition of this  
21 matter.

22 1. Respondent has read and understands this Consent Agreement and has had  
23 the opportunity to discuss this Consent Agreement with an attorney, or has waived the  
24 opportunity to discuss this Consent Agreement with an attorney.  
25  
26

1           2.     Respondent understands that she has a right to a public administrative  
2 hearing concerning the above-captioned matter, at which hearing she could present  
3 evidence and cross examine witnesses. By entering into this Consent Agreement,  
4 Respondent knowingly and voluntarily relinquishes all right to such an administrative  
5 hearing, as well as rights of rehearing, review, reconsideration, appeal, judicial review or  
6 any other administrative and/or judicial action, concerning the matters set forth herein.

7           3.     Respondent affirmatively agrees that this Consent Agreement shall be  
8 irrevocable.

9           4.     Respondent understands that this Consent Agreement or any part of the  
10 agreement may be considered in any future disciplinary action by the Board against her.

11          5.     Respondent understands this Consent Agreement deals with Board Case  
12 No. 3150 involving allegations of unprofessional conduct against Respondent. The  
13 investigation into these allegations against Respondent shall be concluded upon the  
14 Board's adoption of this Consent Agreement.

15          6.     Respondent understands that this Consent Agreement does not constitute a  
16 dismissal or resolution of any other matters currently pending before the Board, if any,  
17 and does not constitute any waiver, express or implied, of the Board's statutory authority  
18 or jurisdiction regarding any other pending or future investigation, action or proceeding.

19          7.     Respondent also understands that acceptance of this Consent Agreement  
20 does not preclude any other agency, subdivision, or officer of this State from instituting  
21 any other civil or criminal proceedings with respect to the conduct that is the subject of  
22 this Consent Agreement.

23          8.     All admissions made by the Respondent in this Consent Agreement are  
24 made solely for the final disposition of this matter, and any related administrative pro-  
25 ceedings or civil litigation involving the Board and Respondent. Therefore, any admis-  
26

1 sions made by Respondent in this Consent Agreement are not intended for any other use,  
2 such as in the context of another regulatory agency's proceedings, or civil or criminal  
3 proceedings, whether in the State of Arizona or in any other state or federal court.

4 9. Respondent acknowledges and agrees that, upon signing this Consent  
5 Agreement and returning this document to the Board's Executive Director, she may not  
6 revoke her acceptance of the Consent Agreement or make any modifications to the  
7 document regardless of whether the Consent Agreement has been signed by the Execu-  
8 tive Director. Any modification to this original document is ineffective and void unless  
9 mutually agreed by the parties in writing.

10 10. Respondent understands that the Consent Agreement shall not become  
11 effective unless and until adopted by the Board and signed by its Executive Director.

12 11. If a court of competent jurisdiction rules that any part of this Consent  
13 Agreement is void or otherwise unenforceable, the remainder of the Consent Agreement  
14 shall remain in full force and effect.

15 12. Respondent understands and agrees that if the Board does not adopt this  
16 Consent Agreement, she will not assert as a defense that the Board's consideration of this  
17 Consent Agreement constitutes bias, prejudice, prejudgment or other similar defenses.

18 13. Respondent understands that this Consent Agreement is a public record that  
19 may be publicly disseminated as a formal action of the Board and may be reported as  
20 required by law to the National Practitioner Data Bank and the Healthcare Integrity and  
21 Protection Data Bank.

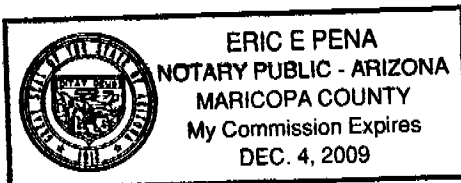
22 14. Respondent understands that any violation of this Consent Agreement  
23 constitutes unprofessional conduct and may result in disciplinary action. A.R.S. §§ 32-  
24 1901.01(B)(20), -1927(A)(1).

1 ACCEPTED AND AGREED BY RESPONDENT

2 Angelica Cortes  
3 Angelica Cortes

Dated: 1.4.07

4 Subscribed and sworn to before me in the County of MARICOPA, State of ARIZONA,  
5 this 4<sup>th</sup> day of JANUARY, 2007, by Angelica Cortes.



[Signature]  
NOTARY PUBLIC

My Commission expires: DEC 4<sup>th</sup>, 2009

10 **FINDINGS OF FACT**

11 1. The Arizona State Board of Pharmacy ("Board") is the duly constituted  
12 authority for licensing and regulating the practice of pharmacy in the State of Arizona.

13 2. Angelica Cortes ("Respondent") is the holder of license number 8246  
14 to practice as a pharmacy technician in the State of Arizona.

15 3. During all times relevant to these Findings, Respondent served as a  
16 Pharmacy Technician at Walgreen's #6021 in Phoenix, Arizona ("Pharmacy").

17 4. Pharmacy records indicate that on October 20, 2005, December 16,  
18 2005, February 14, 2006 and June 16, 2006, Respondent facilitated the filling of four  
19 Amoxicillin prescriptions without authorization from the doctor for her child, by adding a  
20 refill and processing the prescriptions.

21 5. Respondent also added an unauthorized refill to an Albuterol  
22 prescription on June 19, 2006, although this prescription was never actually filled.

23 6. Respondent admitted to refilling the prescriptions on three occasions.  
24  
25  
26

**ORDER**

Based upon the above Findings of Fact and Conclusions of Law and under the authority granted to the Board by A.R.S. §§ 32-1928, 41-1092.07(F)(5), and A.A.C. R4-23-122 (c), IT IS HEREBY ORDERED THAT License No. 8246, which was issued to Angelica Cortes to practice as a Pharmacy Technician in the State of Arizona, is hereby SUSPENDED for a period of thirty (30) days. Following the term of SUPENSION, Respondent's license shall be placed on PROBATION for a period of one (1) year. During the term of PROBATION, Respondent shall complete the following terms and conditions:

- a. Respondent shall pay a fine of \$1,250.00.
- b. Respondent shall advise the Board immediately of any change in pharmacy employment status throughout the term of her probation.
- c. Respondent shall furnish the Board with a list of all jurisdictions in which she maintains or has maintained licensure in the profession of pharmacy along with the registration numbers of said licenses.
- d. Respondent shall obey all federal and state laws and rules governing the practice of pharmacy.
- e. Respondent shall appear before the Board at a regularly scheduled meeting after the terms of probation are met to request that the probation imposed by this Order be terminated. Respondent's failure to petition the Board to terminate the probation shall extend the probation period.

1 DATED this 25 day of January, 2007

2 ARIZONA STATE BOARD OF PHARMACY

3 (Seal)

4 By: Hal Wand  
5 HAL WAND, R.Ph.  
6 Executive Director

7 ORIGINAL OF THE FORGOING FILED  
8 this 25 day of January 2007, with:

9 Arizona State Board of Pharmacy  
10 4425 W. Olive Avenue, Suite 140  
11 Glendale, Arizona 85302

12 EXECUTED COPY OF THE FOREGOING MAILED  
13 BY REGULAR MAIL  
14 this 25 day of January 2007, to:

15 Angelica Cortes  
16 20930 North 86th Dr.  
17 Peoria, AZ 85382

18 Hal Wand 01-25-2007

